



PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/744,622
	Filing Date	January 26, 2001
	First Named Inventor	Nicholas Bachynsky
	Art Unit	1614
	Examiner Name	C. Delacroix-Murheld
Total Number of Pages in This Submission	Attorney Docket Number	HO-P01615US1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Express Mailing Return Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	FULBRIGHT & JAWORSKI L.L.P.		
Signature			
Printed name	Jila Bakker		
Date	November 8, 2004	Reg. No.	53,962



Application No. (if known): 09/744,622

Attorney Docket No.: HO-P01615US1

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Amendment Transmittal (1 page)  
Amendment in Response to Non-Final Office Action (2 pages)  
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11-09-04 1614 JFW

Docket No.: HO-P01615US1  
Express Mailing No.: ER 509323648US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Nicholas Bachynsky et al.

Application No.: 09/744,622

Filed: January 26, 2001

Art Unit: 1614

For: CHEMICALLY INDUCED INTRACELLULAR  
HYPERTHERMIA

Examiner: C. Delacroix-Muirheld

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REMARKS**

Dear Sir:

In response to the Restriction Requirement dated October 6, 2004, Applicants elect Group I, claims 1-14, and 54, without traverse. Applicants are also required to make a species election. Applicants hereby provisionally elect (1) the mitochondrial uncoupling agent 2,4 dinitrophenol as their first species and (2) the second therapeutic agent glucagon as their second species. Applicants identify claims 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, and 54 as reading on at least one of the elected species. Applicants note that they are entitled to file divisional applications to any cancelled or withdrawn claims. Applicants also note that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.